

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,

Plaintiff,

v.

KENNETH R. LAY,

Defendant.

JANE DOE 1, JANE DOE 2,
JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6, and
CECIL BOTHWELL,

Plaintiffs-Intervenors,

v.

KENNETH R. LAY, and
AMAZON.COM, LLC,

Defendants in Intervention.

No. 10-cv-00664-MJP

DECLARATION OF
JOSEPH A. TETRO IN
SUPPORT OF NORTH CAROLINA
MOTION TO DISMISS
COMPLAINT IN INTERVENTION
(Fed. R. Civ. P. 12)

I, Joseph A. Tetro, do hereby depose and say as follows:

1. I am a resident of Wake County, North Carolina. I have been employed continuously at the North Carolina Department of Revenue for 16 years. My previous

1 employment was 30 years with IBM. At IBM I held a number of technical and management
2 positions. My responsibilities early on included mainframe operations support, application
3 programming responsibilities and systems programming. In 1977, I was appointed to my first of
4 several managerial positions which included supporting several major financial applications. My
5 next position was as a mid level manager with a staff of over 50 programmers supporting an
6 operating system, TPF (Transaction Processing Facility). This product is used by major banks
7 (ATMs), airlines (reservations), railroads, for financial and scheduling applications, and product
8 management.
9

10 2. On June 1, 1994, I joined the North Carolina Department of Revenue (DOR) as its
11 manager of Computer Operations. This position included, but was not limited to, mainframe
12 support (ITAS), email support (GroupWise), internal (LAN) and external (WAN) network
13 support, and Help Desk. My responsibilities also included the selection and recommendation for
14 purchase of Information Technology (IT) hardware and software. I advanced to an assistant
15 director position when in December 2005, I was formally promoted to Director of Technology
16 Services.
17

18 3. As Director of Technology Services, I was requested to verify that the two folders
19 where Amazon data that had been downloaded by the Interstate Section of the Examinations
20 Division to the Department's H drive, located on our disk storage system, SAN (Storage Area
21 Network), were deleted. I was also requested to delete all of this same data that was backed up
22 as part of DOR's backup recovery process. The H drive is an encrypted repository for data used
23 in the business of the Department of Revenue. The H drive data is stored either as "Shared,"
24 allowing access to all Department employees, as "Public," normally used for data shared across
25 specific divisions and with access restricted, or as "Private" with more restricted access. Access
26
27
28

1 to Private is assigned by the owner of the data and is normally restricted for one division's use.
2 The data in question was stored Private.

3 4. I went into the two identified folders on the Private H drive where the Amazon
4 data had been downloaded and verified that the data in fact had been deleted. This verification
5 could be made because in my position I have the administrative rights were required to execute
6 that function. Administrative rights are assigned only to technical systems administrators.
7

8 5. I next deleted the backup copies of the two identified folders of data. DOR uses
9 an IBM product for backup and recovery of data. The product is Tivoli Storage Manager (TSM).
10 TSM is designed to keep a specified number of versions of data backup. The number of versions
11 is determined by business need and a Recovery Point Objective (RPO), *i.e.*, how much data can
12 be lost due to an unscheduled outage. The TSM product executes at an interval determined by
13 the business unit. It could backup hourly or daily. The backups are incremental, which means
14 that only the changed information is added to the existing data, than stored. The request to delete
15 the data in the two identified H drive folders required that we force TSM to delete the data in
16 question by running a succession of backups with dummy data added to each backup cycle for
17 the number of cycles required to assure there were no copies left of previous versions of the
18 Amazon data. Five cycles were run. The two H folders were left with dummy data assuring no
19 Amazon data remained. TSM backs up to tape cartridges. The latest version of the folders in
20 question now has dummy data in the folder, and a corresponding backup of that data on the TSM
21 cartridge.
22
23
24

25 6. In short, I have verified that the Amazon data that was downloaded to the
26 Department's H drive has in fact been erased and have taken steps to assure that the backups of
27 that data no longer exist.
28

By:

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